

REMARKS

A Two (2) Month Request for Extension of Time is attached hereto, pursuant to 37 CFR 1.136(a).

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claim 90 has been further amended in an effort to particularly point out and distinctly describe that which is regarded as the present apparatus and new Claim 110 has been added. It is believed no new matter has been added. Claims 104-106 have been canceled.

Claims 90 and 94-106 are pending in the above-captioned patent application. The Examiner has retracted a previous allowance of certain claims of the application and now has rejected all pending claims on the basis of prior art. More specifically, Claims 90, 94, 97-100, and 103 have been rejected under 35 USC §102 (b) based on Hutcheson et al. (U.S. Patent No. 4,889,132), Claims 95-96 and 101-102 have been rejected under 35 USC §103(a) based on the combination of Hutcheson et al and Halpern et al. (U.S. Patent No. 5,687,717) and Claims 104-106 stand rejected under 35 USC §103(a) based on the combination of Hanna (U.S. Patent No. 6,450,966B1), Roeher (U.S. Patent No. 6,579,241) and Weiner et al. (U.S. Patent No. 6,988,989B2). Claims 90 and 94-103 have also been rejected under 35 USC §112, first paragraph. Applicant respectfully requests reconsideration of Claims 90 and 94-103 based on the amended claims, as well as the following discussion and favorable consideration of new Claim 110. Claims 104-106 have been canceled and the rejections pertaining to these claims is therefore believed to be moot.

First and with regard to the Section 102 rejection of Claims 90, 94, 97-100, and 103, it is known that in order to successfully anticipate under the Statute each of the claimed limitations must be found in the single cited reference. Those limitations that are not found must be notoriously well known to one of ordinary skill in the field of the invention at the time thereof.

The Examiner has characterized Hutcheson et al. as disclosing a portable auscultatory blood pressure and heart rate measurement system that is patient-wearable. The Examiner believes that a cuff inflation pressure is determinable from previously-measured systolic blood pressure – for the foregoing, the Examiner has relied upon col. 10, lines 18-47 of this reference. The cited reference appears to make measurements based upon a single patient. More specifically, this system appears to use the last value in a series of readings to calculate an inflation or deflation pressure of the cuff. There is additional discussion that the value can be determined from additional data, but it does not appear that this system stores patient data into a number of separate patient specific reports for later access and use by the system. Moreover, it does not appear that the Hutcheson reference can be used in conjunction with a plurality of patients in which data from each examined patient is centrally stored and then utilized.

The present apparatus on the other hand, defines a mobile workstation that permits a plurality of readings to be taken in an interspersed manner among a varied number of patients, such as within a hospital ward or floor. In the course of a number (e.g., 20-30 measurements) from individual patients during rounds or the like, the herein described workstation stores data, including blood pressure data that is specific to each patient, and places the data in a patient record wherein this data (report) can be accessed, after the patient being examined has first been properly identified in order to properly matchup with the proper corresponding patient record, in order to affect the inflation pressure based upon previously obtained data of the patient.

Applicant has amended Claim 90 in an effort to further clarify the above-noted inventive concepts. That is, the present workstation works in conjunction with a plurality of patients that are examined in turn in an interspersed manner and not in which a single patient is examined and a series of readings are taken consecutively. Identification means are provide such that a patient can be identified for verification that the patient is the proper patient prior to accessing the corresponding patient record for use in setting the proper inflation pressure by the pressure control assembly. Support is found in the present application for the foregoing amendment. For example, the Examiner is herein referred to paragraph [0088] of the published version (2004/0186357) of the present specification as well as paragraph [0092], [0107], [0108], [0121], [0125], [0148], [0151].

The Examiner is further requested to refer to paragraph [0179], as well as Fig. 32 of the present application, which shows a patient report. It is believed each of the paragraphs indicate that this subject matter is not newly added. Favorable consideration is respectfully requested.

A method version of Claim 90 has also been added as new Claim 110 describing the step sequence described by the structure of Claim 90. Support for this claim is found in the present specification; see, for example, with reference to publication 2004/0186357 in which patient verification is discussed throughout (see paragraph [0179] by way of example, as well as paragraph [0121] and the end of paragraph [0107]). Control of the pressure assembly following proper identification of this patent is discussed at paragraphs [0151] and [0179].

It is believed amended Claim 90 is allowable over Hutcheson and is also allowable over the remaining prior art of record including the cited Halpern et al. reference, whether alone or in combination. Halpern et al. fails to include the essential features now recited in amended Claim 90 that are missing from Hutcheson. Claims 94, 97-100 and 103 are believed to be allowable for the same reasons as Claim 90, since these claims depend therefrom. Reconsideration is respectfully requested.

With regard to Section 103 rejections and in order to establish a "*prima facie*" obviousness rejection under the Statute, each and every claimed limitation must be found in or suggested by the prior art, whether singly or in combination. Those limitations that are neither found or suggested must be notoriously well known in the field of the invention to one of sufficient (i.e., ordinary) skill at the time thereof. To that end, advance knowledge (i.e., hindsight) is impermissible. In reviewing combinations, there must be a motivation found in the prior art as a whole. Therefore, each reference should be read in its entirety and not in a piecemeal fashion.

The Examiner has rejected Claims 95, 96 and 101, 102 on the basis of Hutcheson et al. and Halpern et al. as combined. As previously noted with regard to independent Claim 90, Hutcheson fails to teach or describe a medical diagnostic workstation that works with a plurality of patients and in which a patient record is obtained for each patient that is stored in a dedicated patient record. Once a patient is identified, the patient record is accessed and the data is used in conjunction with the pressure control assembly

based on patient specific data to affect the maximum inflation pressure. The addition of Halpern et al. fails to include or otherwise teach this claimed subject matter. Therefore, Claims 95, 96 and 101, 102, each of which are dependent on amended Claim 90, must be allowable for the same reasons. Reconsideration is respectfully requested.

Claims 104-106 have been canceled. Therefore, the rejections with regard to these claims is regarded as moot.

Turning to the Section 112 rejection, the Examiner has rejected pending Claims 90 and 94-103 under the written description requirement. More specifically, the Examiner believes there is insufficient support in the present application for Claim 90 as previously amended in our response that was filed on September 18, 2007. Applicant has now amended Claim 90 in an effort to further clarify and particularly point out the invention by deleting the term "trended" in favor of "stored". Adequate support is found in paragraph [0152]. Claims 94-103 are also believed to be in proper form for the same reasons. To that end, it is believed no new matter has been added, including the material otherwise added by amendment and discussed in the preceding portion of this correspondence. It is now believed the claims are in a condition for allowance and such allowance is respectfully requested.

In summary and in view of the above amendment, Applicant believes the above-captioned application is now in a condition for allowance and an expedited Notice of Allowability is earnestly solicited.

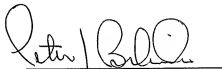
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number listed below.

Other than the two month Extension fee attached hereto, it is believed that no other fees are due and owing with regard to this matter. However, Applicants hereby authorize that any outstanding charges or overpayments be charged to Deposit Account No.: 50-3010.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

Date: May 12, 2008

A handwritten signature in dark ink, appearing to read 'Peter J. Bilinski', written over a horizontal line.

Peter J. Bilinski
Reg. No. 35,067
One Park Place
300 South State Street
Syracuse, NY 13202-2078
Tel: (315) 422-2131
Fax: (315) 703-7369